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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,867	04/17/2001	Jussi Lopponen	P 280236 2010374US/A/kop	5584

909	7590	09/08/2006

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EXAMINER
MAIS, MARK A

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action *Before the Filing of an Appeal Brief*	09/835,867	LOPPONEN ET AL.
	Examiner	Art Unit	
	Mark A. Mais	2616	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a)☐ will not be entered, or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *None*.

   Claim(s) objected to: *None*.

   Claim(s) rejected: *1-48*.

   Claim(s) withdrawn from consideration: *None*.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Attached Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 24, 2006 have been fully considered but they are not persuasive.

2. Applicant's representative states that the rejected claims define a packet mode group voice communication **[Applicant's Request for Reconsideration dated July 24, 2006, page 1, lines 33-34]**. The examiner agrees with applicant's representative. Applicant's representative further states that the examiner, in the Final Office Action dated April 24, 2006, asserted that the rejected claims do not recite packet-switched features **[Applicant's Request for Reconsideration dated July 24, 2006, page 1, lines 31-33]**. The examiner again respectfully agrees with applicant's representative.

3. As a recap, and as stated in the rejection for claim 1, the examiner stated that Sigler et al. discloses a communications system, which discloses voice *packets*. Vocoded voice over transmission frames is interpreted as *packets*. Examples of other packets used in/with the network disclosed in Sigler et al. are the LAN/WAN that the NOC communicates with **(col. 3, line 64 to col.4, line 3)** as well as IP and TCP/IP listed in the glossary **(col. 44, line 54 and col. 49, line 25)**. Moreover, Sigler et al. discloses that the background technical art provides for *packet-switched* data transfer which could be used by those of ordinary skill in the art for Voice over IP packets over the public switched packet network **(col. 2, lines 10-15)**. The system

provides for call-monitoring of packets over the FES-C and conditions for timeout for non-receipt of voice *packets*, as well **(col. 22, line 55 to col. 23, line 22)**.

4. Moreover, the examiner interpreted the previous applicant's representative's arguments **[Applicant's Amendment dated March 18, 2006, page 16, lines 17-20]** to mean that Sigler does not disclose a packet-switched network which transports voice packets such Voice over IP. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a packet-switched network, packet-switched voice packets, VOIP, etc.) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. Applicant's representative argues that voice over transmission frames are not packets and that considering them packets is contrary to the common terminology in the art of data communications **[Applicant's Request for Reconsideration dated July 24, 2006, page 2, lines 8-17]**. Applicant's representative further asserts that Sigler et al. discloses TDMA frames and that such frames are incapable of being considered packets **[Applicant's Request for Reconsideration dated July 24, 2006, page 2, lines 8-17]**. Applicant's representative also asserts that Sigler et al.'s voice packets have nothing to do with packet switching **[Applicant's Request for Reconsideration dated July 24, 2006, page 2, lines 8-17]**. The examiner respectfully disagrees.

6. Data packets are well known to those of ordinary skill in the art. Moreover, as stated above, Sigler et al. is interpreted to contain voice packets. Those of ordinary skill in the art also consider cells, packets, and frames as synonymous terms for data sent in packet-like formats in CDMA, TDMA, and OFDMA, as well as via IP or ATM networks. They are distinguished when making specific definitions [how many cells in a frame, how many packets in a frame, how many frames in a superframe, etc.]. And, as stated above for claim 1, Sigler et al. discloses that the background technical art provides for *packet-switched* data transfer which could be used by those of ordinary skill in the art for Voice over IP packets over the public switched packet network **(col. 2, lines 10-15)**.

7. Applicant's representative also argues that Sigler et al. fails to teach or suggest packet-switching as a solution for providing group communication **[Applicant's Request for Reconsideration dated July 24, 2006, page 2, lines 8-17]**. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., packet-switching as a solution to group communication) are not recited in rejected claim 1. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

8. Applicant's representative argues that Sigler et al. fails to teach or suggest call monitoring of packets **[Applicant's Request for Reconsideration dated July 24, 2006, page 3, lines 8-13]**.

Specifically, that Sigler et al. relates to TDM transmissions and not packet-switched

transmissions **[Applicant's Request for Reconsideration dated July 24, 2006, page 3, lines 8-**

13]. In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., call-

monitoring of packet-switched voice packets) are not recited in rejected claim 1. Although the

claims are interpreted in light of the specification, limitations from the specification are not read

into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Additionally, as stated above, Sigler et al. discloses that the background technical art provides

for *packet-switched* data transfer which could be used by those of ordinary skill in the art for

Voice over IP packets over the public switched packet network **(col. 2, lines 10-15).**

9. Applicant's representative argues that the group controller of Sigler et al. only allocates/de-

allocates connections for calls and, also, is only a controlling element, but not a party in the voice

communication **[Applicant's Request for Reconsideration dated July 24, 2006, page 3, lines**

17-24]. In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., group

controller which is a party to the voice communication) are not recited in rejected claim 1.

Although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.

1993).

10. Applicant's representative further argues that the NOC and GC are not on top of the

communication system but are elementary parts of the communication system **[Applicant's**

Request for Reconsideration dated July 24, 2006, page 3, lines 27-29]. Moreover, applicant's

representative argues that the NOC and GC do not provide the functionality of the claimed

invention **[Applicant's Request for Reconsideration dated July 24, 2006, page 3, lines 27-**

29]. First, in response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., NOC and GC

being physically "on top" or the NOC and GC providing other functionalities than what is

currently claimed) are not recited in rejected claim 1. Although the claims are interpreted in

light of the specification, limitations from the specification are not read into the claims. See *In*

re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Second, the terminology "on

top", was not interpreted by the examiner as a physical limitation. The examiner, with reference

to Sigler et al., interpreted it as a group server **[the combination of the NOC (col. 3, line 9-21)**

and the Group Controller, col. 5, lines 49-64] on top of a communications system **[group**

communication (trunking, col. 16, lines 4-6) in a network over multiple networks, e.g.

LAN/WAN, e.g., col. 3, line 64 to col. 4, line 3; which include IP and TCP/IP, col. 44, line 54

and col. 49, line 25] as stated in the rejection of claim 1. Third, Sigler et al. discloses the

claimed functionality *as claimed* in claim 1. Fourth, As stated for rejected claim 3 above, the

group server is interpreted as the combination of the NOC **(col. 3, line 9-21)** and the Group

Controller **(col. 5, lines 49-64)** which provides the function of providing the addresses of each

member in the Closed User Group to each member **(col. 6, lines 56-60)**, after it is set up, **(col.**

16, lines 37-39). The NOC manages and controls the resources of the satellite network system

(thus, on top of the network) and carries out the administrative functions of the total satellite

network system [col. 3, lines 64-67].   The Group Server, situated under the NOC (via the

NCC), provides the control functionality of the CG database received from the NOC [col. 5,

lines 49-52].

11. Applicant's representative argues that no PTT message is sent from the mobile terminal to

the NOC and that a channel request is sent to the GC via a signaling message instead

[Applicant's Request for Reconsideration dated July 24, 2006, page 3, line 32 to page 4, col.

2]. The examiner found no corresponding limitation in claim 1. Therefore, the examiner will

assume that applicant's representative means to address rejected claim 3.

12. The cited passage in Sigler et al. disclose that a signaling unit (SU) is transmitted (along

with the mobile's ID) with the intent of requesting the assignment of a channel to the selected

NET ID, subject to availability of resources [col. 19, lines 43-65].   IF the NET ID is active and

the active speaker ID is vacant, then the PTT signaling unit (SU) is sequenced by the mobile

terminal, followed by voice frames using the MET Call Supervision Procedure [See Id.]. The

MET call supervision procedure discloses that the MET-C channel is accessed using the PTT

signaling unit (SU) wherein the PTT signaling unit (SU) includes the user's DN and NET ID

[col. 23, lines 54-60].

13. Applicant's representative asserts that the characterization that the NOC and GC provide

stream management is erroneous [Applicant's Request for Reconsideration dated July 24,

2006, page 4, lines 3-4]. Specifically, applicant's representative states that the NOC and GC are

not user-specific servers, but rather general control elements, which receive no voice packet

streams, or forward packet streams to users **[Applicant's Request for Reconsideration dated**

July 24, 2006, page 4, lines 4-8].   First, in response to applicant's argument that the references

fail to show certain features of applicant's invention, it is noted that the features upon which

applicant relies (i.e., stream management or user-specific servers) are not recited in rejected

claim 3. Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993). Second, rather than use one entire switch per individual

connection, Sigler et al. does, in fact, disclose consolidating different connections *at the satellite*

switch in order to obtain cost-savings **[col. 7, lines 2-10]**.   However, as stated in the rejection

for claim 3, Sigler et al. discloses that Group Server, situated under the NOC (via the NCC),

provides the control functionality of the CG database received from the NOC **[col. 5, lines 49-**

52]. There must *necessarily* be a logical connection between each individual mobile and the

Group server in the satellite communications system [e.g., when each mobile is situated at

different physical locations].

14. More importantly, the examiner interprets that Applicant's representative means to again

argue that Sigler et al. fails to provide either a virtual circuit/path (VC/VP using ATM packets)

or a high priority connection using DiffServ IP packet priority (although this is *not* a virtual

connection/path) between each mobile and the group server in a *packet-switched network*. In

response to applicant's previous argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., VCs/VPs or,

for example, DiffServ packet priority for each mobile-to-group server connection in a *packet-*

switched network) are not recited in the rejected claims. Although the claims are interpreted in

light of the specification, limitations from the specification are not read into the claims. See *In*

re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

15. Applicant's representative argues that neither the NOC nor the GC in Sigler et al. receives or

forwards any voice communications (interpreted as Sigler et al. failing to teach

forwarding/sending voice packets in rejected claim 1) **[Applicant's Request for**

Reconsideration dated July 24, 2006, page 4, lines 8-15]. Examiner respectfully disagrees.

16. As stated for rejected claim 1, each member in Sigler et al. receives the voice packets

individually at their physical locations because they are received and then forwarded from the

disclosed satellite network such that every member can hear the one transmitting member in the

group **[col. 15, lines 57-62]**.

17. The examiner again interprets that Applicant's representative means that Sigler et al. fails to

provide the function of packet-switched voice packets that are sent to the group server, and then

the packet-switched packets—with individual internet addresses (e.g. IP addresses)—are then

sent to each group member via the packet-switching network. In response to applicant's

argument that the references fail to show certain features of applicant's invention, it is noted that

the features upon which applicant relies (i.e., forwarding IP addressed packets to individual

group users over a packet-switched network) are not recited in the rejected claims. Although the

claims are interpreted in light of the specification, limitations from the specification are not read

into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

18. Applicant's representative argues that outband signaling is used for creating individual

logical connections from each group member to the group server, and, more importantly, that

that there are no logical connections between the group controller and the group members in

Sigler et al. **[Applicant's Request for Reconsideration dated July 24, 2006, page 4, lines 22-**

29]. Specifically, Applicant's representative apparently argues that the logical connections in

Sigler et al. are performed in a circuit switched connection **[Applicant's Request for**

Reconsideration dated July 24, 2006, page 4, lines 22-29]. Applicant's representative further

restates the previous argument that that the claimed invention is a packet-switched network

which transports packet-switched voice packets **[Applicant's Request for Reconsideration**

dated July 24, 2006, page 4, lines 30-33]. The Examiner respectfully disagrees.

19. As stated in the rejection for rejected claim 3, Sigler et al. discloses that Group Server,

situated under the NOC (via the NCC), provides the control functionality of the CG database

received from the NOC **[col. 5, lines 49-52]**. There must *necessarily* be a logical connection

between each individual mobile and the Group server in the satellite communications system

[e.g., when each mobile is situated at different physical locations].

20. Rather than use one entire switch per individual connection, Sigler et al. does, in fact, disclose consolidating different connections *at the satellite switch* in order to obtain cost-savings **[col. 7, lines 2-10]**. However, as stated in the rejection for claim 3, Sigler et al. discloses that Group Server, situated under the NOC (via the NCC), provides the control functionality of the CG database received from the NOC **[col. 5, lines 49-52]**. There must *necessarily* be a logical connection between each individual mobile and the Group server in the satellite communications system [e.g., when each mobile is situated at different physical locations].

21. The examiner interprets that Applicant's representative means that Sigler et al. fails to provide either a virtual circuit/path (VC/VP using ATM packets) or a high priority connection using DiffServ IP packet priority (although this is *not* a virtual connection/path) between each mobile and the group server in a *packet-switched network*. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., VCs/VPs or, for example, DiffServ packet priority for each mobile-to-group server connection in a *packet-switched network*) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

22. Applicant's representative further argues that claim 3 recited that the leader packet is sent to the group server over the respective individual logical connections **[Applicant's Request for**

Reconsideration dated July 24, 2006, page 4, line 33 to page 5 line 2]. Examiner respectfully

disagrees.

23. As stated in rejected claim 3, Sigler at al. discloses that depressing the PTT button sends a

signaling packet which send the group NET ID and individual mobile's ID when the user

attempts to start a speech item (leader packet) after the group ID has already been assigned via

the MET-C channel (outband signaling). Each mobile must necessarily have a logical

connection to the group server. Thus, one member can make a group broadcast or broadcast to

the one other member in the group (in a two-member closed user group) [which includes every

member in the group and therefore, every address in the group] **[col. 23, lines 54-60; Fig. 25,**

col. 19, lines 43-65].

24. Applicant's representative argues that claim 8 discloses a user-specific server that receives at

least one further voice packet stream related to at least one further group or one-to-one

communication and does not forward [filters off] the at least one further voice packet stream to

the user of the first voice packet data stream **[Applicant's Request for Reconsideration dated**

July 24, 2006, page 5, lines 8-16].

25. The examiner has not interpreted *not forwarding* a packet as *filtering off* a packet. The

filtering function has a causal relationship with the forwarding function such that the filtering

function ultimately ends up with either forwarding or not forwarding a packet. Thus, in

response to applicant's argument that the references fail to show certain features of applicant's

invention, it is noted that the features upon which applicant relies (i.e., providing filtering of

packets to *two or more groups*) are not recited in the rejected claims. Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the

claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

26. In the alternative, as stated in rejected claim 3, Sigler et al. discloses not forwarding another

packet stream as when no voice is transferred after the lost speaker status timer times out—

which is interpreted as a continuous voice packet stream, **[col. 24, lines 12-16]**. Otherwise,

Sigler et al. forwards the other packet stream to the user if the first stream has been discontinued

for a predetermined period of time because the lost speaker status timer will not time out as long

as it receives a voice packet (meaning no continuous stream), resetting the timer **[col. 23, 19-**

22]—this is interpreted as having at least one break in PTT **[e.g., 3.5 sec, col. 24, lines 12-14]**.

Conclusion

27. Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Mark A. Mais whose telephone number is 572-272-3138. The examiner

can normally be reached on M-Th 5am-4pm.

28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where

this application or proceeding is assigned is 571-273-8300.

29. Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAM
August 17, 2006

Seema S. Rao

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